

October 4, 2001

Ms. Randi Youells  
Vice President for Programs  
Legal Services Corporation  
750 1<sup>st</sup> Street NE 11<sup>th</sup> Floor  
Washington DC 20002-4250

Re: South Dakota's Response to LSC Letter 2000-7

Dear Randi:

This is South Dakota's response to LSC program letter 2000-7. Thank you for granting us an extension of time to submit this response.

**1.) TO WHAT EXTENT HAS A COMPREHENSIVE, INTEGRATED CLIENT-CENTERED LEGAL SERVICES DELIVERY SYSTEM BEEN ACHIEVED IN SOUTH DAKOTA?**

As you know, South Dakota had made little progress in its state planning efforts prior to 1999. In the last two years, state planning efforts have intensified with the inclusion of the State Bar Association, the University of South Dakota School of Law, and the South Dakota Judiciary into the state planning process along with the three LSC-funded programs. We have concentrated our state planning efforts on the issues raised in Carolyn Worrell's January 31, 2001 letter to us. The effort to create a comprehensive, integrated client-centered legal service delivery system in South Dakota is in its early stages but is progressing at a steady pace.

East River Legal Services (ERLS) is in the final stages of completing the first component of a state-wide telephone intake system, using students at the USD School of Law in Vermillion, SD. That system will allow law students to take applications two evenings per week from 5:00 PM to 9:00 PM from clients in the ERLS service area. The students will begin taking applications in November, 2001. In 2002, the Rapid City office of Dakota Plains Legal Services will be connected to the system which will allow clients in the Black Hills area to apply for services during those same evening hours. The third phase of the project will connect the DPLS office at Mission, SD into the system. When completed, this system will allow any client in South Dakota to apply for services toll free and have their application referred to the appropriate office.

In the future the statewide pro bono program will be included in this system. This system should be complete by the end of 2003.

The USD School of Law has been a significant partner in the state planning process. Law students are currently working with ERLS through the Second Circuit Pro Bono Project in Sioux Falls, SD by representing clients under supervision. The Native American Law Student Association is providing services to clients in the Yankton Sioux Tribal Court System in cooperation with DPLS. In addition, the USD School of Law has submitted grant proposal to the Administration on Aging to create a state-wide senior legal hotline system in South Dakota, using law students to man the hotline with referrals being made to the appropriate program, whether it be an LSC-funded program, the pro bono program, or the State Bar private referral service. There is a long range objective of developing a law school practice clinic which would focus its services on the representation of indigent clients. Involvement of USD School of Law and law students in delivering services to low income clients in South Dakota represents a substantial expansion of client access to the justice system.

In the last year, the South Dakota State Bar Association has recognized its responsibilities as a stakeholder in the state planning process and has taken a very active interest in the state planning efforts. At the State Bar Commissioner's meeting in May, 2001, a proposal was made to the Bar Commissioners to create and fund a state planning coordinator for South Dakota. As a result of this proposal, the new State Bar Association president, Mr. Michael Day of Belle Fourche, SD, decided to redesign the civil legal aid committee of the State Bar Association and use it as the conduit through which the bar association would help coordinate state planning efforts and define the position of state planning coordinator. The committee held its first meeting on September 10, 2001 with plans to meet again in October, 2001. The committee will create a mission statement for state planning in South Dakota; create a job description for the state planning coordinator and solicit applications for such a position in South Dakota.

The issue of configuration of the LSC-funded programs in South Dakota has been addressed with the agreement by Black Hills Legal Services (BHLS) and DPLS to merge their programs. A memorandum of understanding setting forth the commitments and obligations of each program was approved by the boards of directors of both programs and final work on the merger being conducted with the goal of completing the merger by the end of 2001. LSC has provided \$3500.00 in technical assistance to assist with this merger.

All interested parties in state planning in the state of South Dakota recognize that there will always be two systems of justice in South Dakota. One of those systems exists on the eight Indian reservations in the state through their independent tribal court systems. The other system, of course, exists in the state and federal courts of South Dakota. Regardless of the configuration of LSC-funded programs in South Dakota, the justice systems developed in the tribal courts will always be separate and distinct from the state court system. Those systems are steeped in the tradition and culture of the reservations themselves and are as much apart of the social and cultural system of these tribes as they are part of the justice system. DPLS has historically been a program which primarily delivers services to Native American clients, the majority of whom live on these reservations. DPLS has developed a system of service delivery for these areas of the state. This system has taken into consideration the special needs and challenges of delivering

legal services in these areas. All stakeholders in the state planning process agree that this delivery system, as developed by DPLS over the past 30 years, is the best way to deliver services to these clients. The challenge to the state planners in South Dakota is to give deference to the integrity of the delivery system developed by DPLS on the reservations with the other types of delivery systems that have been developed in South Dakota over the past 25 years. These would be the traditional staff office delivery systems that exist in Rapid City and Sioux Falls, the various pro bono programs in different towns and cities in the state as well as the Judicare system developed by ERLS since 1982.

To that end, the state plan will continue to concentrate on the development of the new statewide intake system through the technology grant awarded to ERLS; the development of an expanded statewide pro bono program; and a merger of DPLS and BHLS. There is a strongly held position of the state planners in South Dakota that, for the time being, DPLS must maintain its independence and the integrity of its current delivery system. The stakeholders will keep an open mind with regard to the issue of reconfiguration in South Dakota, and will revisit that issue when there is a consensus that is appropriate to do so.

**2.) TO WHAT EXTENT HAVE INTENDED OUTCOMES OF A COMPREHENSIVE, INTEGRATED AND CLIENT-CENTER LEGAL SERVICES DELIVERY SYSTEM BEEN ACHIEVED INCLUDING BUT NOT LIMITED TO SERVICE EFFECTIVENESS/QUALITY; EFFICIENCY; EQUITY IN TERMS OF CLIENT ACCESS; GREATER INVOLVEMENT BY MEMBERS OF THE PRIVATE BAR IN THE LEGAL LIVES OF CLIENTS; AND CLIENT COMMUNITY EMPOWERMENT?**

It's difficult to determine any current outcomes of an integrated and client-centered legal service delivery system in South Dakota at the present time. Simply put, the state plan is in its earliest stages and any significant outcomes cannot be recognized at this time. However, a new spirit of cooperation, trust, and delegation of responsibilities has risen from the progress made within the last two years.

Since 1998, there has been improvement in the availability of delivery capacities throughout South Dakota. Inclusion of the use of law students in both the application and representation process has expanded the amount of services that can be provided by both ERLS and DPLS. The commitment of the State Bar Association to the development of a statewide pro bono project will also improve this delivery capacity. The long range plans of the USD School of Law to develop the legal practice clinic focused on delivery of service to low income clients will also contribute to the improvement of this delivery capacity. The statewide telephone intake system currently being developed will undoubtedly increase the capacity to give access to services to clients. The relative equity in the distribution of resources is an issue that has yet to be addressed by the state planners. However, it is recognized by all stakeholders that resource development needs to be a priority of any state plan in South Dakota. One of the most important jobs of the state planning coordinator will be resource development. Undoubtedly, the sole biggest challenge for the state planners in South Dakota will be the issue of resource development. Without a significant increase in funding and in kind resources in South Dakota, the relative equity of the availability of a full range of civil legal services to clients cannot be adequately addressed.

The state planners have committed themselves to focusing on the completed merger of DPLS and BHLS; the development of the statewide pro bono referral system through the State Bar Association; the expansion of access to services through the development of the statewide telephone intake system; and the continued use of law students in the intake process and for delivery of services. These are the strategies to be used in the South Dakota state plan to address the issue of relative equity of client access throughout the state.

**3.) ARE THE BEST ORGANIZATIONAL AND HUMAN RESOURCE  
MANAGEMENT CONFIGURATIONS AND APPROACHES BEING USED?**

From 1995 through most of 1998, South Dakota's state planning efforts were stifled by the fact that the issue of configuration became the tail that wagged the dog. Because the parties involved in state planning were preoccupied with the issue of configuration, little progress was made on any of the other issues raised by LSC program letters 98-1 and 98-6. Progress was finally made in addressing state planning when the state planners made a commitment to address all the issues raised by program letters 98-1 and 98-6 equally without giving unnecessary deference to one issue over all others.

At this time, the stakeholders believe that they have chosen the best organizational and human resource configurations in South Dakota. However, we are at such an early stage in state planning that we are unable to provide any data to support this opinion. The state planners have developed a mission with new and exciting possibilities for the expansion and coordination of services for clients in the state of South Dakota. The issue of configuration in South Dakota has been addressed to the best abilities of the stakeholders at the present time. It will take a concerted effort to accomplish everything that has been put on the agenda for state planning in South Dakota within the next few years. The state planners believe they are on the right path for South Dakota. As the many issues on the state planning agenda are completed, such as the expanded statewide pro bono program and the expanded statewide telephone intake project, organizational and human resource management issues will be addressed. As data from these projects accumulate, South Dakota will continue to report to LSC on the outcomes of their planned strategies and will adjust accordingly. In the meantime, stakeholders hope that Legal Services Corporation will acknowledge the progress that has been made in South

Dakota in the last two years and will allow us flexibility and time to develop this plan over the next few years.

Respectfully submitted,

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